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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,155	04/16/2004	Jeffrey E. Church	08049.0939	7838

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EXAMINER

MCCREARY, LEONARD

ART UNIT PAPER NUMBER

3616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/825,155

Applicant(s)

CHURCH ET AL

Examiner

Leonard J. McCreary, Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-5, and 7 stand rejected under 35 U.S.C. 102(b) as being anticipated by US 69434 to Hicks. Hicks discloses a hook comprising the following:
 - a. A hook portion C having an opening; a loop portion A* with an end attached to a shank portion and disposed to be below said hook portion, said loop portion comprising an opening for receiving a strap therethrough, said loop portion including a section disposed to prevent downward motion of a strap within said opening (fig 4) (clm 1).
 - b. The hook portion is an inverted U-shape where the horizontal portion of the U-shaped hook section has a length approximately the thickness of the upper portion of the container the hook portion is to engage (clm 2).
 - c. The loop portion includes an elongated opening disposed to receive said strap (fig 4) (clm 4).
 - d. The loop portion is generally triangular (figs 1, 4) (clm 5).
 - e. The hook portion and loop portion are integral portions of a one-piece unit (fig 4) (clm 7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over US 69434 to Hicks. The disclosure of Hicks is discussed above and further makes known:

f. The loop portion is made by attaching an end of round rod back onto the shank of the apparatus (fig 4-5) (clm 8).

5. Hicks is silent re welding. The method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. Nonetheless, it would have been obvious to one of ordinary skill in the art at the time the apparatus was made to attach the end of the round rod to the shank so as to impart strength by reducing the tendency for the eye to open under load.

6. Claims 3 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US 69434 to Hicks in view of US 873488 to Beaumont. The disclosure of Hicks is discussed above, but it fails to make known the relatively small horizontal portion dimension. Beaumont discloses a resilient hook for engaging a vertical object and teaches:

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g. The hook portion is an inverted U-shape where the horizontal portion of the U-shaped hook section has a length less than the thickness of the upper portion of the container the hook portion is to engage (fig 4) (clm 3).

h. The length of a catch section of the hook is approximately three times the length of a top engaging section (fig 4) (clm 6).

7. Re claims 3 and 6, it would have been obvious at the time the apparatus was made to modify the hook of Hicks to include a relatively small horizontal portion and a relatively large catch section as taught by Beaumont so as to prevent the hook from dislodging from the structure to which it is attached (lin 53-60), and further because such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

8. Claims 9-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,083,312 to Holman, Jr. in view of US 873,488 to Beaumont, in view of US 6,081,975 to Norrby, and further in view of US 69434 to Hicks. Holman discloses a load holder end fitting comprising the following:

i. An elongated strap 28 having a length that is changeable to be approximately the length of three sides of said container (Fig. 5) , at least one end of said strap having a mechanical attachment 32 detachably affixing at least one end of said strap to an interior wall 12 of said walled cargo container 48 (claim 9.)

- j. A method of securing a container 48 to a wall 12, comprising: placing a container having four sides with one side abutting the wall; providing a strap 28 detachably affixable to the wall, affixing a first end of said strap to the wall, and affixing the second strap end to the wall to exert a force on said container primarily in a direction toward said wall (claim 10.)
- k. Changing the length of said strap before securing the second strap end to the wall (claim 11.)
- l. Changing the length of said strap after securing the second strap end to the wall (claim 12.)
- m. Said strap is non-elastic and has an adjustable length (claim 13.)
- n. The strap is elastic such that said strap has an adjustable length (col 1, line 51) (claim 14.) Holman does not teach a strap movement-restraining member. Beaumont discloses a clothes line hook and teaches the following:
 - o. A strap movement-restraining member having a hook portion disposed to engage the upper portion of a wall, said hook portion being generally an inverted U-shape with the horizontal portion of the U-shaped section having a length approximately the thickness of the upper portion of the wall, said restraining member further having a loop portion 1c disposed to be below said hook portion, said loop portion comprising an opening for receiving said strap therethrough (Fig. 4) (claim 9.)

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p. A strap movement-restraining member on the upper edge of a wall, the strap movement-restraining member having a hook portion for engaging said edge and a loop portion 1c for receiving said strap (claim 10.)

9. Beaumont teaches neither a loop portion which completely surrounds the strap, nor fabrication of the hook. Norrby discloses a hook for webbing and teaches the following:

q. A loop portion 1,2 completely surrounding said strap within said opening (claim 9.)

r. A loop portion 1,2 having an opening surrounding said strap, and passing a second end of said strap through the opening in the loop (claim 10.)

s. The member is made of round rod stock (col 2, lin 40) with one end welded back on itself to form the opening of the loop portion (col 3, lin 14) (claim 15.)

t. Hicks teaches, as discussed above, an end attached to a shank portion (clms 9, 10).

10. Re claims 9-10, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the load holder of Holman to include a strap-retaining member as taught by Beaumont so as to support a strap that would otherwise be inclined to slip downwardly. Re claims 9-10 and 15, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the hook of Beaumont to include the loop portion and fabrication method as taught by Norrby and Hicks so as to prevent the strap from leaving the loop portion even under heavy loading.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard J. McCreary, Jr. whose telephone number is 571-272-8766. The examiner can normally be reached on 0700-1700 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Leonard J. McCreary, Jr.
Examiner
Art Unit 3616



PAUL N. DICKSON
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3/30/07